

By: Watson

S.B. No. 354

A BILL TO BE ENTITLED

AN ACT

relating to language acquisition for children less than eight years of age who are deaf or hard of hearing.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 29.301, Education Code, is amended by adding Subdivision (2-a) and amending Subdivision (3) to read as follows:

(2-a) "Deaf or hard of hearing" means a hearing loss in one or both ears of 20 dB HL or greater in the frequency region important for speech recognition and comprehension, approximately 500 through 4,000 Hz.

(3) "English" includes writing, reading, and speech in the English language [~~speech reading, cued speech, and any English-based manual-visual method of communication~~].

SECTION 2. Subchapter I, Chapter 29, Education Code, is amended by adding Section 29.316 to read as follows:

Sec. 29.316. LANGUAGE ACQUISITION. (a) In this section:

(1) "Advisory committee" means the advisory committee established under Subsection (c).

(2) "Center" means the Educational Resource Center on Deafness at the Texas School for the Deaf.

(3) "Division" means the Division for Early Childhood Intervention Services of the Health and Human Services Commission.

(4) "Language acquisition" includes expressive and

1 receptive language acquisition and literacy development in both
2 English and American Sign Language.

3 (5) "Plan" means an individual family service plan or
4 individualized education program created under the Individuals
5 with Disabilities Education Act (20 U.S.C. Section 1400 et seq.) or
6 a plan created under Section 504, Rehabilitation Act of 1973 (29
7 U.S.C. Section 794), for a child who is deaf or hard of hearing.

8 (6) "Team" means an individualized family service plan
9 team or individualized education program team established under the
10 Individuals with Disabilities Education Act (20 U.S.C. Section 1400
11 et seq.) or a team established under Section 504, Rehabilitation
12 Act of 1973 (29 U.S.C. Section 794), for a child who is deaf or hard
13 of hearing.

14 (b) The agency, the division, and the center jointly shall
15 develop a program as provided by this section to monitor and improve
16 the language acquisition of children less than eight years of age
17 who are deaf or hard of hearing.

18 (c) The commissioner shall establish an advisory committee
19 on language acquisition for children less than eight years of age
20 who are deaf or hard of hearing. The advisory committee consists of
21 13 members, appointed by the commissioner, who must:

22 (1) for at least seven of the members, be deaf or hard
23 of hearing;

24 (2) be fluent in American Sign Language;

25 (3) possess relevant subject matter expertise and
26 experience; and

27 (4) include the following persons:

1 (A) a parent of a child who is deaf or hard of
2 hearing and uses both English and American Sign Language;

3 (B) a parent of a child who is deaf or hard of
4 hearing and uses only English;

5 (C) five teachers who teach children who are deaf
6 or hard of hearing, including:

7 (i) a teacher who teaches children who use
8 both English and American Sign Language;

9 (ii) a teacher at a nonpublic, nonsectarian
10 school that is accredited by an organization that is recognized by
11 the Texas Private School Accreditation Commission;

12 (iii) a teacher whose expertise is in
13 curriculum and instruction in both English and American Sign
14 Language;

15 (iv) a teacher whose expertise is in
16 curriculum and instruction in English only; and

17 (v) a teacher whose expertise is in
18 language assessments for both English and American Sign Language;

19 (D) an expert who researches language outcomes
20 for children who are deaf or hard of hearing and use both English
21 and American Sign Language;

22 (E) an expert who researches language outcomes
23 for children who are deaf or hard of hearing and use only English;

24 (F) an advocate for the teaching and use of both
25 English and American Sign Language for children who are deaf or hard
26 of hearing;

27 (G) an advocate for the teaching and use of

1 English only for children who are deaf or hard of hearing;

2 (H) a specialist in early childhood intervention
3 who works with infants and toddlers who are deaf or hard of hearing
4 and use both English and American Sign Language; and

5 (I) a speech-language pathologist who
6 specializes in spoken English.

7 (d) A member of the advisory committee is not entitled to
8 compensation for services provided.

9 (e) Each year the advisory committee shall elect one of its
10 members to serve as presiding officer for a term of one year.

11 (f) The advisory committee shall:

12 (1) make recommendations to the agency, the division,
13 and the center regarding:

14 (A) the English and American Sign Language
15 assessment instruments to be included in the parent resource
16 developed under Subsection (g) and the tools or assessments for
17 educators selected under Subsection (h); and

18 (B) developments in scientific research on
19 improving the measurement of progress in the language acquisition
20 of children less than eight years of age who are deaf or hard of
21 hearing;

22 (2) advise the agency and the division on the content
23 and administration of any assessment instrument adopted by the
24 agency or the division to assess the language acquisition of
25 children less than eight years of age who are deaf or hard of
26 hearing to ensure the appropriate use of that instrument; and

27 (3) oversee the identification, assessment, and

1 assistance of children less than eight years of age who are deaf or
2 hard of hearing and who do not make satisfactory progress in
3 language acquisition as provided by Subsection (j).

4 (g) The agency, the division, and the center jointly shall
5 develop a resource designed for use by parents of children who are
6 deaf or hard of hearing to monitor and track their children's
7 language acquisition and developmental stages toward literacy in
8 both English and American Sign Language. The resource must:

9 (1) include English and American Sign Language
10 assessment instruments to assess the language acquisition of
11 children less than eight years of age who are deaf or hard of
12 hearing, selected based on the advisory committee's
13 recommendations under Subsection (f);

14 (2) be:

15 (A) appropriate for use, in both content and
16 administration, with children less than eight years of age who are
17 deaf or hard of hearing;

18 (B) written for clarity and ease of use by
19 parents; and

20 (C) aligned to:

21 (i) the agency's existing infant, toddler,
22 and preschool guidelines;

23 (ii) state standards in English; and

24 (iii) the instrument or instruments used to
25 assess the development of children with disabilities under the
26 Individuals with Disabilities Education Act (20 U.S.C. Section 1400
27 et seq.) and Section 504, Rehabilitation Act of 1973 (29 U.S.C.

1 Section 794);

2 (3) present progress in language acquisition in terms
3 of typical development of all children, by appropriate age range;

4 (4) make clear that the parent's observations of the
5 child may differ from assessment data presented at a team meeting;
6 and

7 (5) inform the parent that the parent may bring the
8 resource to a team meeting to share the parent's observations of the
9 child's development.

10 (h) The agency, the division, and the center jointly shall
11 select tools or assessments for use by educators to assess the
12 language acquisition of children less than eight years of age who
13 are deaf or hard of hearing. The tools or assessments:

14 (1) must be:

15 (A) in a format that details the stages of
16 language development for learners of English and American Sign
17 Language;

18 (B) for use by educators to track the language
19 acquisition and developmental stages toward English literacy for
20 children less than eight years of age who are deaf or hard of
21 hearing;

22 (C) selected from existing tools or assessments
23 designed to assess language acquisition for all children less than
24 eight years of age, by appropriate age range; and

25 (D) appropriate, in both content and
26 administration, for use with children less than eight years of age
27 who are deaf or hard of hearing; and

1 (2) may:

2 (A) reflect the recommendations of the advisory
3 committee under Subsection (f); and

4 (B) be used in addition to the assessment
5 required to be conducted by a team established under the
6 Individuals with Disabilities Education Act (20 U.S.C. Section 1400
7 et seq.) or Section 504, Rehabilitation Act of 1973 (29 U.S.C.
8 Section 794), as applicable, to:

9 (i) track the development of language
10 acquisition for children who are deaf or hard of hearing; and

11 (ii) establish or modify a plan.

12 (i) The agency and the division shall distribute:

13 (1) the resource developed under Subsection (g) to
14 parents and guardians of children less than eight years of age who
15 are deaf or hard of hearing; and

16 (2) the tools or assessments selected under Subsection
17 (h) and materials and training on their use to local education
18 agencies.

19 (j) A team established for a child less than eight years of
20 age who is deaf or hard of hearing must assess the child's language
21 acquisition not less than once every three months. If the child
22 does not demonstrate satisfactory progress in both English and
23 American Sign Language, as measured by a tool or assessment
24 selected under Subsection (h) or the instrument used to assess the
25 development of children with disabilities under the Individuals
26 with Disabilities Education Act (20 U.S.C. Section 1400 et seq.) or
27 Section 504, Rehabilitation Act of 1973 (29 U.S.C. Section 794), as

1 applicable, the child's team shall, as part of the process required
2 by federal law:

3 (1) explain in detail to the advisory committee the
4 reasons why the child is not making satisfactory progress; and

5 (2) recommend to the advisory committee specific
6 strategies, services, and programs to be provided to the child to
7 assist the child's language acquisition.

8 (k) Not later than July 31 of each year, the agency and the
9 division jointly shall prepare a report on the language acquisition
10 of children less than eight years of age who are deaf or hard of
11 hearing. The report must:

12 (1) rely on existing data reported in compliance with
13 federal law regarding children with disabilities;

14 (2) include information relating to the language
15 acquisition of children who are deaf or hard of hearing and who also
16 have other disabilities;

17 (3) compare progress in English literacy made by
18 children who are deaf or hard of hearing to progress in that subject
19 made by children of the same age who are not deaf or hard of hearing,
20 by appropriate age range; and

21 (4) be posted on the agency's, the division's, and the
22 center's respective Internet websites.

23 (1) The commissioner and the executive commissioner of the
24 Health and Human Services Commission shall adopt rules as necessary
25 to implement this section, including rules for implementing this
26 section in a manner that complies with federal law regarding
27 confidentiality of student medical or educational information,

1 including the Health Insurance Portability and Accountability Act
2 of 1996 (42 U.S.C. Section 1320d et seq.) and the Family Educational
3 Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g), and any
4 state law relating to the privacy of student information.

5 SECTION 3. (a) In this section:

6 (1) "Advisory committee" means the advisory committee
7 established under Section 29.316(c), Education Code, as added by
8 this Act.

9 (2) "Agency" means the Texas Education Agency.

10 (3) "Center" means the Educational Resource Center on
11 Deafness at the Texas School for the Deaf.

12 (4) "Division" means the Division for Early Childhood
13 Intervention Services of the Health and Human Services Commission.

14 (b) As soon as practicable after the effective date of this
15 Act, the commissioner of education shall appoint the members of the
16 advisory committee.

17 (c) Not later than January 1, 2018, the agency and the
18 division jointly shall provide to the advisory committee a list of
19 existing English and American Sign Language assessment instruments
20 that meet the requirements under Section 29.316(g)(2)(C),
21 Education Code, as added by this Act, and any relevant information
22 possessed by the agency or the division regarding those assessment
23 instruments.

24 (d) Not later than April 1, 2018, the advisory committee
25 shall make its initial recommendations to the agency and the
26 division regarding the English and American Sign Language
27 assessment instruments to be included in the parent resource

1 developed under Section 29.316(g), Education Code, as added by this
2 Act.

3 (e) Not later than April 30, 2018, the agency and the
4 division jointly shall select one or more English and American Sign
5 Language assessment instruments to be included in the parent
6 resource developed under Section 29.316(g), Education Code, as
7 added by this Act, and inform the advisory committee of the
8 instrument or instruments selected.

9 (f) As soon as practicable after the selection of one or
10 more assessment instruments under Subsection (e) of this section:

11 (1) the agency, the division, and the center jointly
12 shall develop the parent resource under Section 29.316(g),
13 Education Code, as added by this Act, and the tools or assessments
14 for educators under Section 29.316(h), Education Code, as added by
15 this Act; and

16 (2) the agency and the division shall distribute the
17 parent resource and the tools or assessments for educators as
18 provided by Section 29.316(i), Education Code, as added by this
19 Act.

20 (g) Not later than July 1, 2018, the agency and the division
21 jointly shall prepare the initial report required under Section
22 29.316(k), Education Code, as added by this Act, and ensure the
23 report is posted as required by that subsection.

24 SECTION 4. This Act takes effect September 1, 2017.